

Zoning Board of Appeals Minutes

April 25, 2017

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff- Chair Bryan Patchan- Vice Chair Kenneth Ying Lawrence Aronow Shuan Butcher Tom Overbey, Alternate		Gabrielle Collard– Division Manager for Current Planning Rachel Depo – Assistant City Attorney Jessica Murphy – Administrative Assistant

I. ANNOUNCEMENTS:

II. GENERAL PUBLIC COMMENT:

There was no general public comment.

III. APPROVAL OF MINUTES:

Approval of the **February 28, 2017** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Butcher motioned to approve the minutes.

SECOND: Mr. Aronow

VOTE: 5-0

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. OLD BUSINESS:

NONE

VI. **CONTINUANCES:**

A. **ZBA17-182CU, Conditional Use, 110 Airport Drive East**

ZBA Action:

MOTION: Mr. Butcher moved to approve a continuance for 30 days till the May 23rd, 2017 Hearing.

SECOND: Mr. Ying.

VOTE: 5-0.

VII. **NEW BUSINESS**

B. **ZBA17-186TU, Temporary Use, Heavy Metal Playground-7612 Willow Road**

ZBA Action:

MOTION: Mr. Patchan moved to approve ZBA17-186TU in accordance with Section 867 of the LMC entitled, *Temporary and Seasonal Uses*, in order to operate an amusement venue at 7612 Willow Road that will allow patrons to operate heavy operating equipment, the request identified the use as a heavy metal playground, for a period of six months followed by two subsequent six-month zoning certificates issued by the Division based on the findings that:

1. The proposed use does not conform to the Code;
2. Section 867(j) of the LMC allows the ZBA to authorize the temporary use of a building or premises in any district for a use that does not conform to the provisions of this Code;
3. That the proposed use is temporary in nature and does not involve the construction of any new buildings; and
4. That the proposed use will not adversely affect the public health, safety, security, morals, or general welfare and does not result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood.

With the conditions that:

1. All operations associated with the temporary use must comply with Section 15-21 of the City Code.
2. Prior to submittal of a zoning permit, the Applicant must submit a sketch depicting the location of the 'play' area and the parking area and indicating what perimeter/filter controls will be used for confirmation by the Engineering Department.
3. On the zoning permit, the Applicant must indicate that at a minimum, all disturbed areas not being actively graded must be stabilized within seven calendar days and that all unpaved parking areas must be continually stabilized in order to prevent erosion and to prevent sediment from leaving the site.

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4. A review of the operations is conducted by the Zoning Board of Appeals at a regular meeting to confirm continued compliance with Section 312 and Section 867 of the LMC.

SECOND: Mr. Butcher.

VOTE: 5-0.

VIII. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- 17-100ZD, 1599 East Street/10 E. 16th Street/ 9 East 15th Street
 - 17-124ZD, 110 W. South Street
 - 17-144ZD, AOPA Hangar, 296 Bucheimer Road
 - 17-153ZD, 421 E. Patrick Street
 - 17-162ZD, 200 Monroe Avenue
 - 17-226ZD, Worman's Mill Village Center, 2480 Waterside Drive
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Meeting adjourned approximately at 8:00 p.m.

Respectfully Submitted,

Jessica Murphy
Administrative Assistant